

REMARKS**Status of the Claims***Pending claims*

Claims 1 to 233 are pending as filed.

Claims canceled and amended

In the instant preliminary amendment, claims 2 to 5, 7, 9 to 23, 25, 26, 28 to 30, 32, 35 to 37, 44, 45, 47, 48, 50, 52, 54, 56, 59, 62 to 64, 67 to 82, 85 to 92, 95 to 97, 99, 103, 109, 115 to 117, 119 to 122, 124 to 127, 129, 131, 132, 134 to 142, 147, 149 to 151, 154 to 157, 159, 161 to 163, 166, 167, 172, 173, 176, 177, 179, 180, 184 to 196, 198 to 199, 201 to 204, 206 to 211, 213 to 226, 232 and 233, are canceled, without prejudice.

Thus, after entry of the instant amendment, claims 1, 6, 8, 24, 27, 31, 33, 34, 38 to 43, 46, 49, 51, 53, 55, 57, 58, 60, 61, 65, 66, 83, 84, 93, 94, 98, 100 to 102, 104 to 108, 110 to 114, 118, 123, 128, 130, 133, 143 to 146, 148, 152, 153, 158, 160, 164, 165, 168 to 171, 174, 175, 178, 181 to 183, 197, 200, 205, 212 and 227 to 231 will be pending.

CONCLUSION

Applicants respectfully aver that the all claims pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

This First Preliminary Amendment is being filed as part of a response to the Notice to File Missing Parts of Nonprovisional Application Under 37 CFR 1.53(b) mailed April 26, 2004. A Petition for 3-month Extension of Time is attached. Also attached is a Fee Transmittal Sheet (plus duplicate) authorizing the Commissioner to charge the Utility Filing Fee of \$385.00, Excess Claim Fees of \$1,001.00, Late Oath or Declaration Surcharge Fee of \$65, and 3-month Extension of Time Fee of \$475.00 to Deposit Account No. 03-1952 referencing docket no. 564462004220.

Applicants believe that no additional fees are necessitated by the present response and amendment. However, in the event any such fees are due, the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 03-1952 referencing docket no. 564462004220. Please credit any overpayment to this account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858 720 5133.

Dated: September 21, 2004

Respectfully submitted,

By 

Gregory P. Einhorn

Registration No.: 38,440

MORRISON & FOERSTER LLP

3811 Valley Centre Drive, Suite 500

San Diego, California 92130

(858) 720-5133